

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case Nos. 96-20046
97-20004

CELESTER R. DEGROAT,

Defendant.

**OPINION AND ORDER DENYING DEFENDANT'S
"MOTION TO AMEND AND SUPPLEMENTAL PLEADINGS . . ."**

Before the court is Defendant Celester R. DeGroat's "Motion to Amend and Supplement Pleadings . . .," filed on January 15, 2010. In his one-paragraph motion Defendant requests that he be allowed to "supplement" his "pending" motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). Defendant appears to base his request on the Supreme Court's December 7, 2009 grant of certiorari in *United States v. Dillon*, 572 F.3d 146 (3d Cir. 2009). However, Defendant has no pending motion under § 3582. The court denied his request for a sentence modification on July 2, 2009. Further, the grant of certiorari in a Third Circuit case does not affect the court's reasoning in its July 2, 2009 order. Accordingly,

IT IS ORDERED that Defendant's "Motion to Amend and Supplement Pleadings . . ." [Dkt. # 89] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 12, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 12, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522